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REPLY TO ACTION OF EXAMINER MARIE PATTERSON ART UNIT 3728
APPLICATION NO. 10/589,848 -FILING DATE 10/04/2006

The undersigned inventor GIANCARLO DE GIACOMI also as manager of the applicant GENERAL BUILDING CO. wishes to reply personally to the Examiner MARIE PATTERSON owing to complexity of the submitted reasons and unfortunately also to cost saving , so I address following explanations to Her kind attention.

With reference to Your Action dated 11/12/2008 ,I have to emphasize that the shoe of my application is developing other air ventilation systems and patents and mainly improving the inner ventilation systems already on the market or only patented ,so that:

a)-we have to observe that however none of the examined patents (King 556825-Suenaga 5809665-Cardarelli 2003/0145488-etc) has n. 3 air pumping elements like the shoe of my application :in fact my shoe has one air pumping chamber under the oversole near the toe, the second chamber under the foot heel ,and the third bellows ,against the counter, in the shoe heel ,deformable ,memory retentive, mainly elastic and protruding from the counter because said bellows is pressed ,step by step , by the short lengthwise movement of the foot from the heel to the toe and back again .Also few shoe manufacturers know and consider this horizontal/lengthwise movement of the foot in the shoe ,however short, so that other patented ventilation systems use only the vertical up and down movement of the foot in the shoe which pushes out of the shoe the air that is in the included volume between the oversole and the outersole .

The third heel bellows increases the air ventilation got by the oversole pumping chambers .

b)-the inner air flow can be considered divided in two parts :the first one is coming from the toe and it is expelled through the fore waterproof holes in the upper ,because this is the shorter way; the second one is coming from the heel and it is expelled through the eyelets in the heel .
On the contrary King teaches (see line 78) that the ventilating casing must be "preferably of metal" so that it is not elastically deformable by the longitudinal movement of the foot ,as above explained ,but the air ventilation is got only by the foot that goes vertically up and down .In fact the shoe heel E1 is not protruding from the counter ,and the air ventilation is obtained by the movement of the innersole A1 that moves up and down ,far and near the sole A2.

c)-With reference to Cardarelli patent ((US 6,671,979B2) ,the air ventilation system is quite different from the one used in the shoe of my application :in particular the heel channel 39 is made of two panels 37 and 38 (line 35) and it is only a rigid channel where air flow passes through ,as shown at the line 35...."of plastic material durable ,non deforming ,maintained in position by a strut 49 which serves to maintain the channel 39 therebetween ." Furthermore the main pumping effect is got with a heart pump made of chambers and separators (42 and 43 fig. 1) ,quite different from my oversole.

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d)with reference to J.Troy and Kenton D. patent (US 6,092,305) ,no heel pumping element ,protruding from the counter , is provided , furthermore no channel for air ventilation passage in the heel ,because 36 and 34 in the fig. 4 are exterior upper surface and interior upper surface respectively ,without any space between the counter and the heel lining .

e)-All patents of King ,Suenaga , Cardarelli ,and Clodic (US 5,953,834/1999) have no air protruding chambers in the fore oversole near the toe, as in my application , that has to be considered as an additional pumping element ,increasing air ventilation got by the heel pumping chamber ,

f)-With reference to Suenaga patent (5809665), that teaches the use of foam oversole(6 fig. 1) with chambers, it is not defined which kind of foamed material ,because efficiency and mainly foot comfort are quite different if it is with closed or open cells which are used in my shoe oversole, because only if oversole has open cells ,after long use ,the foot is in contact with a more comfortable dry upper surface of the oversole instead of a wet one in case of closed cells.

g)-With reference to Mosquit patent (1929/US 1,718,756) that teaches providing an upper formed with upper and lower elements with an opening therebetween and the upper portion of the upper having a protrusion/wave portion covering the opening(shown in fig. 2) ,some different features from the shoe of my application must be considered ,in particular :

h)-no holes are provided in said opening ,so that ventilation air flow (line 63) "is drawn thereinto " and it must pass through the lining as a dust filter ,with more or less thickness ,but this passage without holes ,needs high pressure/prevalence for pushing the air through the lining ,which after use ,is probably dirty and clogged, so that in the long run it loses efficiency which is depending on thickness and cleaning of the lining. In the shoe of my application the waterproof holes are necessary in order that air inside ,coming from transpirable oversole and involving the foot all around ,could be expelled passing through the nearest openings in the shortest way ,to reduce at least the fall of pressure/prevalence. So in the Mosquit patent shoe ,the upper portion pushes air into the shoe ,on the contrary ,in my application ,upper portions all around the shoe ,let air expelling from said shoe.

i)-Mosquit teaches that said dust filtering article must be positioned in the middle sides of the shoe ,where (line 59) "the shoe bends during walkingand due to the slight suction created by the bending of the shoe, air will be drawn thereinto ".In this position the overlapped portion , (line 36) "which is of such width " ,could be distorted without stitching .In the shoe of my application ,a)the rain waterproof holes can be provided all around the shoe ,in every position ,not only in the middle sides of the shoe b)each overlapping portion is shortest as possible ,with stitching all around each hole or surmounting two holes maximum ,to avoid distorting of the overlapping portion.

l)-as shown in fig. 3 of my application ,line 154 ,some stitchings or "sewing lines 7 and 7 ' which close the protrusions 5 and 5' on three sides ,leaving open air passages 9 and 9'" it is clear that this ventilation system is quite different from Mosquit's one ,because the air ventilation passages are through vertical free sides ,without stitching..

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Owing to above reasons I am respectfully requesting to the Examiner to allow claims 7-8-9-10-11-12-13-14-15-16-17-as submitted or changeable if necessary.

For any other future replies ,please contact the undersigned inventor:

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Respectfully submitted,


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Milan 02/03/2009



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OBJECT:REPLY TO OFFICE ACTION SUMMARY.

With reference to Application No.10/589,848 ,filed 10/04/2006 the undersigned applicant and inventor DE GIACOMI GIANCARLO ,is asking if I can try to reply personally to the Office Action Summary of the Examiner MARIE PATTERSON of Art Unit 3728 without the services of Studio Fumero in Italy and Young & Thompson in Alexandria, that I hold in high esteem ,but only owing to financial saving and not for other reasons .

If possible, can I reply by fax here from Italy ? Or is it possible by e-mail ?

I apologize for this question ,made in not proper way.

Best regards

Giancarlo De Giacomi



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inv. 21/01/09